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COMMITTEE ON THE ELIMINATION OF
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN

Initial reports of States parties

ALGERIA*

* This report has not been edited.

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INTRODUCTION

The Convention on the Elimination of All Forms of Discrimination against Women, adopted by resolution 34/180 of the United Nations General Assembly on 18 December 1979, was ratified by Algeria on 22 January 1996 by Presidential Decree No. 96-51. The Algerian Constitution of 1989 provides, in article 122, that treaties relating to the status of persons shall be ratified by the President of the Republic after they have been given express approval by the National People's Assembly. The revised Constitution of 28 November 1996 retains this same principle in article 131.

The provisions of this international instrument entered into force for Algeria on 19 June 1996 and have since that date been part of national legislation.

This initial report, presented pursuant to article 18 of the Convention, reviews actions undertaken by the public authorities to give effect to the rights of women in Algeria. The intent is to provide the Committee with an overview of the current status of Algerian women and the practical measures that have been taken since the Convention came into force. A number of ministerial departments and institutions participated in its preparation.

Consistent with the Committee's guidelines, this report contains two parts. The first covers the general context in which efforts to overcome discrimination against women are being pursued in Algeria, while the second provides specific information on each of the Convention's provisions.

PART ONE: GENERAL BACKGROUND

Since it regained its independence in 1962, Algeria has been engaged in building a social state based on popular political participation and respect for human rights and fundamental freedoms. The successive constitutions of independent Algeria have enshrined universal principles in this regard. It was with the move to a multi-party state in 1989, however, that Algeria accelerated its accession to international legal instruments on human rights. Since then, it has submitted regular reports on these international commitments.

1. Territory and population

Area: 2,380,000 km2; Population: 29,724,000; Gross National Product: 2,502.0 billion dinars (1996); Income per capita: US$ 1,590 (1996); Inflation rate: 5.7%; External debt: US$ 31,222 billion (end 1997), of which US$ 31,060 is medium- and long-term; Unemployment rate: 28%, or 2.2 million people (1996); Growth rate: 4%; Official language: Arabic; Religion: Islam; Life expectancy: men 67 years, women 69 years; Infant mortality rate: boys 56.88%, girls 52.21%, total 54.6%; Maternal mortality rate: 67% (1996); Fertility rate: 3.68; Population under 20 years: total 14,216,000; boys 7,263,000 (48.2%), girls 6,953,000 (47.44%), average 47.83%; Population over 65 years: 1,229,000; men 591,000 (3.92%), women 638,000 (4.35%); Rural population: 11,732,000 (39.47%); Urban population: 17,992,000 (60.53%).

2. Political structure

Upon regaining independence, Algeria faced a number of challenges: returning refugees, care and support for victims' families, national reconstruction in all its dimensions. To cope with these challenges, the young nation had to design and create new institutions and make them immediately effective. Thanks to these efforts, the country has been able to provide universal compulsory schooling and free access to health care, and to pursue a full employment policy.

Since 1988, Algeria has faced the imperative of consolidating a State based upon the rule of law and pursuing a transition on two fronts (political democracy and economic liberalization).

As in other countries, these changes have encountered difficulties. The effort to build a modern State that would be democratic in its functioning and transparent in its management was hampered by the prevalence of a one-party culture, and by economic and social constraints.

Since that time, the authorities have engaged in a long process of dialogue with all those political parties that undertook to respect the Constitution and the laws of the Republic, and the resulting political reforms have led to the establishment of institutions elected by universal suffrage. Adoption of a revised Constitution, by referendum on 28 November 1996, has further consolidated the concepts of basic freedoms, political pluralism, the separation of powers, and the independence of the judiciary.

The President of the Republic was elected by universal suffrage for a term of five years, on 16 November 1995. He may be re-elected only once. The President exercises supreme authority within the limits set by the Constitution, and the Head of Government appointed by him must command a majority in the National Assembly.

The Head of Government defines the Government's programme and submits it for approval by the National People's Assembly.

Legislative power is exercised by the Parliament, composed of two houses: the National People's Assembly and the Council of the Nation. The latter monitors the actions of the Government and enacts legislation.

The National People's Assembly has 380 deputies. As a result of the legislative elections of 5 June 1997, there are 10 political parties represented, and 11 independent deputies.

The Council of the Nation, which was established in December 1997, has 144 members. Two-thirds of them are elected by the college of members of the Communal and Departmental People's Assemblies, while the remaining third, or 48 members, are appointed by the President of the Republic.

The independence of the judiciary is enshrined in the Constitution, article 138 of which provides, among other things, that this power shall be exercised in accordance with law.

3. Legal framework for the protection of human rights

3.1 Human rights mechanisms

Algeria has today established the basic tools for monitoring and surveillance of the human rights situation. These cover individual, civil and political rights, as well as rights of a collective nature, whether economic, social or cultural. They are based on four broad categories of complementary mechanisms.

A. Political mechanisms

These involve the Parliament, which, with its two houses, constitutes the ideal vehicle for giving expression to the concerns of the citizenry. Questions relating to human rights occupy an important place in its debates and are the subject of consideration by standing committees that have been set up for this purpose by both houses.

The authorities regard political parties as an essential part of the mechanism for promoting human rights. The order of 6 March 1997 on political parties requires that their statutes and programmes must give express recognition to the objective of guaranteeing individual rights and fundamental freedoms. Article 3 of the order provides that "political parties must in all their activities conform to the following principles and objectives: respect for individual and collective freedoms and respect for human rights; commitment

to democracy in keeping with national values; acceptance of political pluralism; respect for the democratic and republican nature of the State".

B. Legal mechanisms

The Algerian state has instituted legal mechanisms to guarantee the rights of citizens and to ensure judicial autonomy. To this end, Algeria's judiciary is organized in the following manner: the Tribunals, at the sub-prefecture (Daira) level; the Courts, at the department (Wilaya) level; and the Supreme Court, at the national level.

The Constitution also provides, in article 152, for a Council of State to oversee the work of the administrative jurisdictions, and a dispute settlement tribunal to resolve conflicts of jurisdiction between the Supreme Court and the Council of State.

The Council of State was inaugurated on 17 June 1998. It has 34 members, of whom 16 are women.

C. Freedom of the press

The right to information and freedom of the press are regarded by law as an essential mechanism for the monitoring and protection of individual rights.

In this respect, the remarkable flourishing of the press in Algeria has proven an effective lever in the collective protection of human rights. There are currently 25 daily newspapers, of which eight belong to the public sector and seventeen are published privately or by political parties. Their total daily circulation averages 1 million copies.

In addition, there are 43 weekly publications, with a total circulation of 1.4 million per week.

Finally, there are 20 other periodicals, published on a monthly or bimonthly basis, with a total circulation of some 300,000 per month. Readership is estimated at 9 million per week.

D. Organizations of civil society and trade unions

Organizations of civil society have expanded rapidly since 1988. Nationwide, there are currently more than 50,000 such organizations active in various areas of national life. The Constitution gives prominence to the freedom of association in the defence of human rights. Article 32 guarantees the individual or collective defence of these rights, and article 41 determines their scope: freedom of expression, of association, of assembly. The freedom of association makes itself felt, naturally, in the political sphere, but it also finds expression in actions to protect the rights of certain categories of people, including women, children, the sick, the disabled, consumers, and users of public services. The most active organizations, however, are those engaged in the area of cultural rights and identity. The authorities encourage organizations of civil society through the provision of various grants and facilities.

Most organizations today have statutes, structures and activities that allow them to take part in international cooperative networks. Organizations engaged in promoting women's rights, education and literacy campaigns have been particularly active.

The freedom of labour to organize, whether to ensure the right to strike or to pursue collective bargaining, is reaffirmed not only in the Constitution but by the Act of 21 December 1991, which recognizes the right of workers in the private and public sectors to organize independent trade unions. The incidences of contract disputes, arbitration procedures and labour activism recorded each year since that date are ample evidence of the vitality of mechanisms for promoting the material and moral rights of workers of different categories and occupations. In this respect, when collective bargaining breaks down, there is a legal right to strike which, provided it is exercised in a legal manner, is protected by the Constitution. This right is extensively exercised, and applies to all sectors, including the public service and government offices.

Since 1991 the number of strikes has been declining: 2,290 in 1989, 2,023 in 1990, 1,034 in 1991, 493 in 1992, 537 in 1993, 410 in 1994, 432 in 1995, and 441 in 1996. This trend has been accompanied by a decline in the number of strikers (54.78% of workers in the sector concerned, on average, in 1995), in the number of sectors concerned, and in the resulting economic loss.

E. Other mechanisms for the defense and promotion of human rights

As part of the move to pluralism in 1989, and Algeria's accession to all of the international legal instruments on human rights, the position of Minister for Human Rights was created in June 1991.

Given the difficulty of reconciling the responsibility for governing with that of defending human rights, Algeria decided, consistent with United Nations recommendations and the example of other countries that have set up national institutions of this kind, to create a National Human Rights Monitoring Agency (Observatoire National des Droits de l'Homme, (ONDH)), by Presidential Decree No. 92-72 of 22 February 1992.

ONDH is a public non-governmental institution, with equal numbers of elected and appointed members, reporting to the President of the Republic, and enjoying administrative and financial autonomy. Its task is to monitor and evaluate respect for human rights, and to advise the authorities on issues concerning those rights.

Although ONDH is only an advisory body, its mandate is very broad. It is entrusted with the tasks of promoting human rights, consistent with the principles of the Universal Declaration; monitoring and evaluating the enforcement of the human rights provisions in international conventions ratified by Algeria, and the provisions of the country's Constitution, laws and regulations; taking all appropriate action when it discovers or is made aware of human rights violations, and preparing an annual report on the situation of human rights in Algeria, for submission to the President of the Republic.

ONDH conducts awareness campaigns to publicize the human rights embodied in national legislation and international legal instruments. It publishes a quarterly human rights review, a press review, and an internal information bulletin on its activities.

In practice, despite the fact that ONDH was originally conceived as an "adviser to the authorities" on human rights issues, it has increasingly taken on the role of a mediator between the authorities and private parties, in an effort to avoid routine resort to judicial action in the case of disputes.

The second mechanism that the authorities have established for protecting individual rights is the Office of the National Mediator, whose role is to "contribute to the protection of the rights and freedoms of citizens and to the proper functioning of public institutions and administrations", and which has representatives (both men and women) in all the departments. Resort to this office, created in March 1996 (decree No. 96.113), is available to "any individual who, after exhausting all avenues of recourse, feels injured by the improper action of a public agency". It is empowered in such cases to "make to the relevant authorities any recommendation or proposal for improving or rectifying the functioning of the agency in question". That agency must thereupon "respond fully to the questions raised". If a satisfactory response is not received, the Mediator may bring the matter to the attention of the President of the Republic.

3.2 International treaties and domestic law

Algeria's international commitments prevail over domestic law. Accordingly, the Constitutional Council, in a decision of 20 August 1989, confirmed the constitutional principle whereby international treaties ratified by Algeria prevail over domestic law. That decision states that, once it has been ratified and published, any convention becomes part of domestic law, and acquires, pursuant to article 123 of the Constitution, an authority that supersedes that of the law, and that may be asserted by any Algerian citizen against domestic jurisdictions. Individuals may thus turn to the safeguard mechanisms established by the Human Rights Committee or by the Committee against Torture, once available domestic remedies have been exhausted.

The Algerian authorities, the National Human Rights Monitoring Agency, associations and the mass media are well aware of these possibilities of recourse to international monitoring mechanisms. Algerian citizens and their legal counsels appear to be satisfied with the many existing domestic means of recourse (the courts, ONDH, the Office of the National Mediator, organizations of civil society).

4. Information and publicity

Algeria's ratification of the international human rights instruments was widely publicized through the national media at the time they were submitted for examination and adoption by the National Assembly. All of the texts so ratified have been published in the Official Gazette of the Algerian Republic.

In addition to the conferences and seminars that are regularly held on this theme, the annual celebration of "Human Rights Day" provides an opportunity to raise public awareness of the various international instruments on human rights. Similarly, 8 March is a regular occasion for reaffirming the place and role of women in Algerian society.

The "Public Freedoms" module that used to be taught in the country's law faculties has been reintroduced in the universities with an updated content that takes full account of international developments and the country's accession to additional instruments. Some universities (Oran, Tizi Ouzou and Annaba, for example) have already established specific modules. Human rights are also taught to students of the National Magistrates' College. A UNESCO Chair in Human Rights has been created at Oran University. This structure, inaugurated in December 1995, is entrusted with organizing and promoting an integrated system of research, training, information and documentation on human rights. It is preparing to establish a professorship in "human rights". Seminars on human rights and humanitarian law are held regularly, and the proceedings of such seminars are published. The National Human Rights Monitoring Agency, for its part, is active in publicizing the human rights principles contained in national legislation and in the international instruments to which Algeria has acceded, most notably through its published reviews, and through its hosting and sponsorship of seminars, exhibitions and workshops in cooperation with the voluntary associations.

5. The status of women in Algeria

5.1 The overall status of women in Algeria since 1962 must be viewed in the context of the country's progress in the political, economic, cultural and social spheres.

As in all the societies that make up the Arab-Muslim world, the legal status of women in Algeria presents a dichotomy. Thus, the constitutional principle of the equality of the sexes is scrupulously respected when it comes to civil and political rights: women have the status of full citizens. With respect to their personal status, they are governed by the Family Code, which is based in part on the Shariah.

In civil law, as in criminal law, there is no legal basis for discriminating between women and men in Algeria. Women have full legal capacity, just as do men. They make free use of this capacity, pursuant to article 40 of the Civil Code, as will be explained in Part Two of this report. They have the right to acquire, administer, use and dispose of any property and the right to sign contracts and engage in business transactions. They retain these rights when they marry, and their personal belongings and the fruits of their labour continue to be entirely at their disposal. In criminal law, there is no provision that discriminates against women in comparison with men: on the contrary, certain penalties are reduced for women.

In terms of women's personal status, the Family Code, promulgated in 1984, reveals the dichotomy noted above. The provisions that are most hotly contested by human rights associations are: retention of legal recognition of polygamy (article 8: "Marriage to more than one wife is permitted"); and the formal

nature of the daughter's obligation to seek permission for her first marriage (article 11: The conclusion of marriage for a woman is the responsibility of her legal guardian for matters relating to marriage, who is her father or a close male relative. The judge acts as guardian in matters relating to marriage for those who have no other. Article 12: The father may oppose the marriage of a daughter who is "bikr", i.e. a young nubile woman, if this is in the best interest of the daughter.)

The dowry, a unilateral gift made to the future wife upon signature of the marriage contract, is regarded as a constituent element of marriage by the Family Code (article 33: "A marriage contracted without payment of a dowry shall be declared null and void"). Because this is a widely accepted and religiously motivated practice, women's movements in Algeria have not challenged it in principle, nor do they claim that it discriminates against women, but they do demand that the value of the dowry be set by law at a symbolic level.

These apparent contradictions should be neither exaggerated nor underestimated in their practical effect. They must be regarded in light of another very important element that relates to the place and role of Islamic law among the legal instruments and jurisprudence of Algeria. It may be said that this place and role is not only extremely limited, but that it is steadily diminishing, in light of the sophistication of present-day problems, inter-cultural influences, and the secularizing trends that are under way today in Algerian society. Since Algerian independence, the only juridical instrument that makes reference to the Shariah is the Family Code which, despite its literal adherence to certain provisions of the Shariah, can be seen, both in its form and in certain rulings that have been based on it, as an attempt to restrict the role of Islamic law.

As Algerian society evolves, and as the authorities pursue their efforts towards greater emancipation of women, there is certain to be further progress in this area.

For the authorities, overcoming patriarchal practices is a concrete objective, but one that must be approached with caution and perseverance. It would be unwise to issue abrupt edicts imposing legal rules that clash so violently with social norms that they cannot be enforced: this would undermine support for the rule of law and could lead to mistrust and conflict between the legislature and the citizenry, or even to open defiance of the public authorities, under the pretext of obedience to divine law. The importance of this aspect must not be underestimated. What is required, in effect, is a reinterpretation of the role of religion in society, something that will demand patience and time and that can only be achieved by raising the general cultural level. That is why the Algerian Government intends to take a gradual approach to introducing elements of gender non-discrimination and equality, while ensuring that there is no backsliding with respect to the personal status of women. The correctness and wisdom of this approach are reflected in the irreversible advances that have already been made, particularly as regards the right to work.

Algeria's ratification of the Convention is part of this policy of gradual emancipation. That step aroused strong and conflicting emotions in Algerian

society, eliciting opposition both from conservative circles and from those in favour of greater emancipation for women. The Government's stance has been to accede to the Convention with certain reservations (which, it should be noted, do not question the essence of the Convention), with the implicit understanding that accession to this and other similar instruments must be used as an argument in favour of gradual changes in the country's social standards, and that those reservations will be removed as those changes progress. Accession to the Convention prompted the government to envisage amendments to the Family Code.

It is in this spirit that the draft law amending the Family Code was adopted by the Council of Ministers on 24 May 1998. The amendments will be submitted for legislative approval during the current term of the legislature.

In the political sphere, the commitment with which Algerian women took part in the struggle for national liberation has naturally led them to participate actively in the country's reconstruction efforts. The authorities, for their part, have never adopted any provisions that could be deemed to discriminate against women. On the contrary, and despite the shifting nature of political events in the country, the general status of women has improved appreciably.

On the economic front, the constraints brought about by the shift to a market economy have had negative repercussions on the living conditions of people in general, but in particular on those of women, as a result of a number of factors that will be discussed in Part Two of this report.

Women's rights and recognition of their role in the country's economic and social life, were enshrined in various pieces of Algerian legislation long before Algeria acceded to the Convention. It is clear, however, that that accession, recent as it is, has served and will serve to inspire the authorities and organizations of civil society to introduce concrete measures to promote the advancement of women.

5.2 Although it is still young, Algerian democracy has already experienced the difficulty of differentiating between the goal of promoting human rights and the establishment of political mechanisms for that purpose. Certain political parties have not always been sincere in their commitment to human rights, which they have sometimes proclaimed for purely partisan considerations of the moment. One of these parties, the Front Islamique du Salut (Islamic Salvation Front (FSI)), which is now dissolved, while cloaking its demands with statements derived from international human rights instruments, has "authorized" and allowed systematic attacks on the most fundamental of those rights, the right to life and the right to freedom of conscience. It has set up armed militias and morals police, and has placed itself beyond the law. Even today (but fortunately, less and less), terrorist gangs of followers or former fighters of the dissolved FSI can find individuals or groups abroad - or even States - who will try to lend a political coloration to their activities, when in fact these activities are purely and simply criminal.

PART TWO

BASIC PROVISIONS OF THE CONVENTION

Article 2: Obligations of States parties

The rights of women in Algeria are assured, first, by the provisions of the Constitution that guarantee the equality of all citizens.

As stated in its preamble, the Constitution occupies a position of paramountcy and is the fundamental law that guarantees individual and collective rights and freedoms. It provides for legal protection and control over the acts of the authorities, in a society in which the rule of law prevails and the human person is free to develop in all its dimensions.

The Constitution addresses several provisions to fundamental rights and freedoms:

Article 29: "Citizens are equal before the law without distinction as to birth, race, gender, opinion or all other conditions or personal or social circumstances".

Article 31: "Institutions exist for the purpose of ensuring the equality of rights and duties of all citizens, male and female alike, by eliminating the obstacles which hamper the development of the human person and prevent the effective participation of every individual in political, economic, social and cultural life".

Article 34 guarantees the inviolability of the human person and prohibits all forms of physical or moral violence. This provision is complemented by article 35, which condemns the violation of human rights and freedoms and physical or moral attacks on the integrity of the human person.

Article 140 states that justice is founded on the principles of legality and equality. It is equal for all, accessible to all, and is expressed by respect for the law.

Starting from these constitutional principles, Algerian law ensures that in no area of life is any distinction made between men and women, who enjoy complete equality in their rights and duties.

With respect to the adoption of legislation prohibiting all forms of discrimination against women, the principle of equality between the sexes is in itself sufficient, since any law that is not consistent with that principle will be annulled by the Constitutional Council.

Article 3: Appropriate measures

Upon attaining independence, Algeria immediately took steps to ensure access for women to education and to vocational training, on a basis of equality with men, so that they might equip themselves with the skills needed to facilitate their entry into the labour force.

Provisions have been added to legislation and regulations to promote equality of treatment among all citizens, without distinction as to sex. Equality is also guaranteed by law in the areas of access to work, to wages and promotion, as will be illustrated below with statistics. These measures have resulted in appreciable advances by women in many areas of activity.

Specifically with regard to measures taken by the public authorities, as part of the overall policy on women, the authorities have since entry into force of the Convention:

(a) Set up a National Women's Council, an advisory body reporting to the Head of Government (Executive Decree No. 97-98 of 29 March 1997). In its preamble, that decree provides expressly that creation of such a Council is pursuant to Algeria's accession to the 1979 Convention on the Elimination of All Forms of Discrimination against Women. The Council's primary duties are to ensure the implementation of a coherent policy of activities and programmes on behalf of women and to assist in defining a comprehensive and consistent strategy for ensuring that women's needs and aspirations are attended to. The Council's statutes call for it to be chaired by a woman. It is composed of representatives of all ministerial departments, five representatives of state advisory institutions and bodies, five representatives of the trade unions and employers' associations, twenty representatives of civil-society organizations active in the area of women's advancement, and four individuals selected to serve in a personal capacity;

(b) Established pursuant to Executive Decree No. 96/259 of 29 July 1996, the Council for the Preservation and Promotion of the Family. This is a permanent body of consultation, coordination and action, under the Ministry of Solidarity and the Family. It is responsible, in coordination with all other relevant institutions, for helping to define a national family policy, for recommending special programmes for the protection of disadvantaged social groups, and measures of solidarity for the family. It is composed of representatives of a dozen or so ministerial departments and of national social organizations actively involved with issues of interest to the family. It holds regular meetings twice a year and prepares and submits an annual report on its activities to the Ministry of Solidarity and the Family.

The Ministry, for its part, is responsible for strict enforcement of labour legislation, a primary principle of which is "non-discrimination between the sexes".

In practice, it must be recognized that negative attitudes still persist, reflecting a deeply ingrained social conservatism that has a particular impact on women's access to positions at the decision-making level.

Article 4: Temporary special measures to overcome discrimination

Algerian legislation contains specific provisions that favour women in the workforce, and these may be viewed as a form of positive discrimination.

Act No. 82-06 of 27 February 1992, for example, on individual labour relations, provides in article 15 that "women have specific rights with respect

to general working conditions and the prevention of occupational hazards". Article 16 of the same law prohibits the employment of women in dangerous, unhealthy or injurious work. Article 25 prohibits any limitation on rights or advantages on the basis of sex.

Act No. 90-11 of 21 April 1990, on labour relations, confirms in article 29 the prohibition against employing women for night work, unless a special exception has been granted. This law also provides that time spent on maternity leave shall be deemed to be time worked (article 46).

Among other provisions of the laws mentioned above are those that prohibit the employment of women on legal holidays; prohibit the dismissal of a female worker during the pre- or post-natal period; allow working women to take leave so that they can accompany a husband transferred to a new place of work, or raise a child under the age of five or one that has an illness or condition requiring care.

In terms of protection, pregnant women benefit from special measures for their own health and that of the unborn child, such as prohibition of exposure to hazardous substances (e.g. radioactive iodine, X-rays), or the performance of strenuous work (heavy lifting).

As regards retirement, women enjoy an advantage in the setting of the retirement age. Article 6 of Act No. 83-12 of 2 July 1983, on retirement, sets the mandatory retirement age at 60 for men and at 55 for women, for whom there is also a reduction of one year for each child, up to a maximum of three years. This law was amended and complemented by Decree 97/13 of 31 May 1997, which allows for retirement with a proportionately reduced pension for employees who have reached the age of 50 and who have been contributors for at least 20 years: both the minimum age and the required number of contribution years are reduced by 5 years for female employees (article 2).

Article 5: Modification of social and cultural patterns of conduct

Despite the existence of prejudices based on stereotypes of men's and women's roles in society, universal access to education has encouraged the gradual abandonment of such attitudes. It must nevertheless be recognized that some negative attitudes persist, especially in rural areas, where parental authority over daughters remains more entrenched than in the cities. Such detrimental attitudes for girls, which may even include preventing their attendance at school once they reach puberty, are in steady retreat today.

The duty to protect women against violence flows, first, from the Constitution, which guarantees protection for citizens in general. Article 24 of the Constitution provides that "the State is responsible for the security of persons and property". Article 34 guarantees the inviolability of the human person and prohibits all forms of physical or moral violence or denigration of human dignity. This provision is complemented by article 35, which provides that "infringements of rights and liberties as well as any physical or moral attacks on the integrity of the human being are punishable by law". In accordance with article 65, parents are responsible by law for the education and protection of their children.

A series of articles in the Criminal Code deals with acts of wilful violence and provides for their appropriate punishment (articles 264 to 267). Specific provisions provide for the punishment of those who commit violence against minors or who wilfully harm the health of minors by withholding food or care (articles 269 to 272). Penalties imposed range from three to twenty years of imprisonment, depending on the consequences of the act. If death results unintentionally from such acts, the penalty is life imprisonment. If, however, "the attacks, violence, assaults or privations have been inflicted with the intent to cause death, the perpetrator is punished as guilty of murder or attempted murder" (article 271).

This positive trend in changing traditional patterns of behaviour is currently being undermined by the phenomenon of terrorism, which affects all categories of people in Algerian society, in particular women. Hundreds of women - teachers, journalists, public officials, students and mothers - have been the victims of murder, abduction, rape and other cruel, inhuman or degrading treatment.

Article 6: Suppression of the exploitation of women

As in most other Muslim countries, there is little trafficking in women or exploitation of women for prostitution. Such behaviour is punishable under provisions of the Algerian Criminal Code, in particular its articles 342, 343, 344 and 345.

Article 342 imposes a sentence of five to ten years imprisonment, and a fine of 500 to 25,000 dinars, on anyone who engages in the practice of inciting, promoting, aiding or abetting the debauchery or corruption of minors of either sex under the age of 19, or, where the victim is under the age of 16 on anyone who commits any of these acts even occasionally. Article 343 prohibits any act related directly or indirectly with the exploitation of prostitution.

Persons guilty of such crimes are punished by imprisonment of two to five years, and a fine of 500 to 20,000 dinars. Unless a more serious crime is involved, these penalties are applied to anyone who knowingly in any manner aids, assists or protects prostitution or solicitation for purposes of prostitution; in any way shares in the proceeds of prostitution or receives money from a person who engages habitually in prostitution or derives resources from the prostitution of others; cohabits with a person who habitually engages in prostitution; maintains a habitual relationship with one or more persons engaging in prostitution, and has no other visible means of support; hires, recruits or maintains an adult person, even with that person's consent, for purposes of prostitution or delivers that person into prostitution or debauchery; in any way acts as intermediary between persons engaged in prostitution or debauchery and individuals who exploit or pay for the prostitution or debauchery of others; uses threats, pressure, deception or any other means to frustrate actions aimed at prevention, control, assistance or re-education by qualified agencies on behalf of persons engaging in or at risk of prostitution.

Immoral acts, (articles 333 to 335) and rape are also punished by penalties of five to ten years. The penalty may be extended to 20 years if the rape has

been committed against a minor. The penalty is also increased if the perpetrator is a relative of the victim or is in a position of authority over her (articles 336 and 337).

Slavery, servitude and forced or compulsory labour are unknown in Algerian society. Algeria has acceded to the various international conventions prohibiting these acts, including the 1949 Convention for the Suppression of Traffic in Persons and of the Exploitation of the Prostitution of Others, the 1926 and 1956 Geneva Conventions on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery, the 1921 Convention for the suppression of trafficking in women and children, and ILO Conventions No. 29 on forced labour (1930) and No. 105 on the abolition of forced labour (1957).

Besides these conventions, which are now an integral part of Algeria's substantive law, a number of legal measures have been adopted to ensure respect for human rights and freedoms, in accordance with international standards. The criminal law imposes severe punishment on trafficking in persons and the exploitation of prostitution. There are specific articles on suppressing the recruitment of minors for debauchery and solicitation (articles 342 to 349 of the Criminal Code). The Civil Code provides, in article 96, that "a contract is null and void if its object is contrary to public order and morality".

The Criminal Code devotes an entire section to violations of liberty, kidnapping, abduction and sequestration. Article 291 prohibits abductions, arbitrary detention and sequestration as follows: "Anyone who abducts, arrests, detains or sequesters any person, without a warrant from the authorities, except in those cases in which the law allows or orders the seizing of individuals, shall be punished by imprisonment of five to ten years". The same penalty is applicable to anyone who supplies the premises for such detention or sequestration.

It should be noted that the wording of this article excludes in all cases the defence of acting on orders, since the conditions to be met are clearly defined: "individuals may not be seized without a warrant issued by the authorities, nor may they be seized in cases other than those permitted by law".

If the arrest or abduction is committed by a person wearing a uniform or bearing an official or apparently official insignia, under the terms of article 246 of the Criminal Code, either under a false name or with a false warrant from the public authorities, the penalty is life imprisonment. The same penalty is applicable if the abduction or arrest is committed by means of motorized transport, or if the victim has been threatened with death (article 292). If the person abducted, arrested, detained or sequestered has been subjected to physical torture, the crime is punishable by death (article 293).

Similarly, anyone who, through violence, threats or deceit, abducts or causes to be abducted a person of any age is punished by imprisonment of ten to twenty years. If the abduction was committed for purposes of ransom, it is punishable by death (article 293 bis of the Criminal Code).

Article 7: Equality in national political life

There is no legislative or regulatory provision that restricts participation by women in the country's political life. The Constitution and the Elections Code guarantee women the right to vote and to be elected on the same basis as men.

Algerian women are becoming more and more active in politics. They participate both as voters and as candidates for all publicly elected institutions and other bodies. The following statistics illustrate the participation of women in legislative and local elections (from June to October 1997): of 15,817,306 registered voters, 7,368,605 or 46.59% are women; 13 women from various political parties were elected to Parliament in the legislative elections, in which there were 332 female candidates; they represent 4.03% of the deputies elected; 75 women were elected to the Communal People's Assemblies from among 1,281 female candidates; 62 women were elected to the Departmental People's Assemblies from among 905 female candidates.

The Council of the Nation has 9 women members, of whom 4 were elected by the electoral college, and 5 were appointed by the President of the Republic.

Over the decade 1980-1990, 50 women were elected to the Departmental People's Assemblies, and 60 won seats in the Communal People's Assemblies. Membership of the National Transition Council (1994-1997) included 12 women, including a Commission President and two rapporteurs.

There are two factors in particular that lie behind this increasingly positive trend towards greater participation by women in political life:

In the first place, voting procedures have been reformed. Prior to 1995, husbands and wives were each allowed to vote on behalf of the other by proxy. The new electoral law limits voting by proxy to exceptional situations (severe disabilities, hospitalization, special work-related constraints, etc.).

In the second place, despite the terrorist threat, Algerian women have shown the determination and courage to engage in politics by joining political parties in ever increasing numbers.

At the higher levels of government service, statistics for 1995 show that there were 4,000 female civil servants, of whom 108 held senior positions: one was chief of staff for the Head of Government, two were advisers to the Head of Government, 22 were advisers to various ministers, 13 were directors of central administration in ministries, 65 were deputy directors, one was a secretary general, and two were directors of departments.

Since 1982, 12 women have held government office as ministers, vice ministers, or secretaries of state.

The legislation and regulations governing the civil service, in keeping with the model civil service statute (Decree 85-59 of 23 March 1985), contain no discrimination on grounds of sex.

Women are more heavily represented in the national education sector, where they account for 38% of employees (or 172,102 of 459,378), and in the health sector, at 37% (or 69,631 of 180,140).

In the justice sector, 547 of the 2,324 practising judges in all jurisdictions are women. Their distribution as of 1 January 1998 was as follows:

Supreme Court: 34 female judges of a total of 172 (19.7%);

Courts: 124 female judges of a total of 673 (18.4%);

Tribunals: 357 female judges of a total of 1,352 (26.4%);

Ministry of Justice: 29 female judges of a total of 95.

It should be noted that in the Council of State, 16 of the 34 judges are women. Two of the four persons who have been appointed president of the division are women. This trend is being further reinforced by the fact that the majority of candidates competing to become judges are women.

It is also significant that the overall number of civil servants has been growing at its slowest rate ever (1.9%), rising since December 1995 from 1,320,958 to 1,359,904, for an increase of only 25,946 new recruits.

Women are well represented in this trend, accounting for 65% of new appointments, or 16,291. This is due to several factors. Women prefer the stability and job security offered in the civil service, while young males are more attracted to higher paying jobs elsewhere. Women are also more willing to accept positions beneath their qualifications. Finally, women are not obliged to perform military service as a condition for access to the civil service.

The overall number of women in the civil service stands at 359,952, or 26% of the total. In terms of classification, they are distributed as follows:

Managerial personnel: 71,464 out of 245,625 (20%);

First-line supervisory staff: 167,915 out of 493,338 (34%);

Non-management personnel: 120,573 of 607,941 (19%)

Senior State appointments: 164 out of 4,022, or 4% (up from 3% the year before).

In terms of the working location of female civil servants, they tend to be concentrated in the major urban centres, especially in the capital, where 15% of women in all categories, or 57,209, are to be found.

With respect to women's participation in non-governmental organizations and associations, the spread of pluralism has brought increasing numbers of women into political life, and into the association and union movements, where many of them occupy management and even leadership positions.

Article 8: Equality in international political life

As in other sectors of the civil service, access to the diplomatic corps is open to women and men without discrimination. There is no distinction on the basis of sex in the provisions of Presidential Decree No. 96/442 of 9 December 1996 governing the status of diplomatic and consular officers, in its section on recruitment, training and promotion. Article 17 of that decree provides in fact that:

> "No one may be recruited to any one of the corps instituted by this statute who is not an Algerian citizen; who is not in possession of his/her civil rights or is not of good morals; who cannot meet the level of qualification required for his/her duties and who does not know at least two foreign languages; who does not meet the conditions of age and physical aptitude required to perform his/her duties; who cannot justify his/her position with respect to national service".

The distribution of women among the civil servants of the Ministry of Foreign Affairs is as follows (June 1998):

Central administration: 29 women (7.92%);

Foreign service: 44 women (8.89%).

Seven women hold senior positions in the Ministry.

Participation at international meetings, both bilateral and multilateral, is without discrimination on the basis of sex. Women are regularly appointed as members of Algerian delegations to international negotiations and other gatherings.

Article 9: Equality of rights to nationality

In accordance with article 30 of the Constitution, "Algerian citizenship is defined by the law". It is in fact determined by order 70-86 of 15 December 1970, establishing the Code of Algerian Nationality, which makes no distinction between men and women with respect to the general conditions for acquisition or loss of nationality. In accordance with articles 6 and 7 of the order, the following persons are deemed to be Algerians:

a child born of an Algerian father,

a child born of an Algerian mother and an unknown father,

a child born of an Algerian mother and a stateless father,

a child born in Algeria of an Algerian mother and a foreign father who was himself born in Algeria, except where the child repudiates its Algerian nationality within one year before attaining the age of majority.

Article 8 provides that "a child who is an Algerian national by virtue of articles 6 and 7 shall be deemed to have been so from birth, even if the

conditions necessary for the attribution of Algerian nationality are not established until some time after its birth". Attribution of the quality of "Algerian national" from birth and the withdrawal or repudiation of this quality by virtue of the provisions of article 6 (3) and article 7 (1) and (2) "does not prejudice the validity of acts entered into by the interested party, nor the rights acquired by third parties on the basis of apparent nationality, formerly possessed by the child".

Article 17 stipulates that "minor children of persons who acquire Algerian nationality become Algerians at the same time as their parents".

Unmarried minor children of a person who has regained nationality, when they are living with that person, recover their Algerian nationality or acquire it by right.

Persons who apply for naturalization must meet certain conditions. They must have resided in Algeria for at least 7 years prior to the date of application; they must be resident in Algeria at the time the naturalization decree is signed; they must have attained their majority; they must be of good morals and must not have been sentenced to a penalty involving loss of civil rights; they must have visible means of support; they must be of sound mind and body; and they must demonstrate their assimilation into the Algerian community.

The act of naturalization may grant Algerian nationality to the minor children of a naturalized foreigner. Those children, however, have the right to renounce that nationality between the ages of 18 and 21.

As will be noted, neither marriage to a foreigner nor a husband's change of nationality during marriage can change a woman's nationality, or render her stateless, or oblige her to take the nationality of her husband.

Article 10: Equality in education

1. Background

One of the major concerns of the public authorities is to provide every young Algerian with nine years of compulsory elementary education. Governed by the order of 15 April 1976, this education, which is provided through the elementary school system, "offers from the outset the same opportunities to boys and girls of age 6". In fact, education has always been compulsory for young girls in Algeria.

The enrolment rate for girls has been rising steadily in comparison to that for boys, as the following figures show:

In 1963: 37.40%;

In 1991: 44.73% (increase of 7.33 percentage points in 28 years);

In 1996: 48.15% (increase of 3.42 percentage points in 5 years).

Equality of access to education is not only guaranteed by law, but can be demonstrated in the figures on new enrolments each year. By way of illustration, children enrolled in the first year of elementary school in 1996 numbered 7,376,652, of whom 3,353,774 were girls.

The following table provides a comparative analysis of the enrolment of boys and girls:

Enrolment	1981/82	1991/92	1996/97
Total	4,319,360	6,590,132	7,293,189
Girls	1,789,333	2,947,776	3,417,879
% girls	41.43	44.73	48.15
Primary school grades 1 - 6	3,178,912	4,357,352	4,674,947
Girls	1,338,761	1,965,859	2,164,303
%	42.11	45.12	46.29
Intermediate school grades 7 - 9	891,452	1,490,035	1,762,761
Girls	355,543	629,824	804,070
%	39.88	42.27	45.61
Secondary school	248,996	742,745	855,481
Girls	95,029	352,093	449,506
%	38.16	47.40	52.54

This table illustrates the following points:

For the school year 1981-1982, attendance by girls was declining in relative terms by age (from 39.88% to 38.16% between the third cycle of elementary school and the secondary level). In contrast, a decade later in 1991/92, the proportion of girls in secondary school had grown to 47.40%, a ratio higher than that for girls at the primary level in that same year. This trend has continued through 1996, with the ratio rising from 45.61% to 52.54%.

Generally speaking, participation by girls has been slowly progressing from one decade to the next (from 41.45% in 1981 to 44.73% in 1991). During this same time, the number of girls enrolled in secondary school rose from 95,029 to 352,093, an increase of 270%, while the number of boys rose by only 154%.

One hopeful sign is that thanks to their increasing participation in secondary school (where they now outnumber boys), more and more girls are improving their level of education.

The table also shows that during the past decade the cohort of girls who enrolled in grade one declined as they moved through their school career. From the beginning of the 1990s, the participation rate of girls shows a sharp drop by the end of 9 years of elementary education: from 45.12% to 42.27% in 1991, it reached 50% in 1996 (52.54%), in 24 out of 48 departments.

The progression to secondary school produces a high percentage of girls in comparison with boys, which is explained by the better results they obtain in their studies. The failure rate (dismissal, dropout, repetition) is higher among boys.

The latest statistical survey conducted by the Ministry of National Education (1996/97) showed on this score that in the 48 departments as a whole, the repetition rate for boys was higher than that for girls at all three levels of education (see following table).

Repetition rate in elementary education

Year	1	2	3	4	5	6	7	8	9
Girls	8.58	6.89	7.10	6.95	6.65	10.48	9.0	9.14	27.58
Boys	11.88	10.70	12.11	12.44	12.66	18.97		20.52	32.90

At the secondary level, there is an exception to note in the final year. More girls are given permission to repeat the year, because they have a better chance of succeeding at the baccalaureate when they have done so, and because in general they are younger than the boys. This trend is apparent everywhere, except in three departments (one in the North, Medea, and two in the South, Tamanrasset and Illizi), where the weight of tradition and social prejudice is still dominant (see following table).

Repetition rate in secondary education

Year	1	2	3
Girls	11.19	10.58	43.98
Boys	18.28	15.01	39.62

Dropout and dismissal

Year	1	2	3
Girls	7.31	6.97	32.50
Boys	15.05	15.38	38.63

Results from the Baccalaureate examinations in 1996 also confirm that girls enjoy greater scholastic success: they represented 55.33% of successful candidates (see following table).

Branch of studies	Candidates		Successful	Girls as % of successful candidates
Humanities	Total	73,426	11,066	69%
	Girls	46,013	7,532	
Humanities and Islamic studies	Total	15,337	3,359	59%
	Girls	8,951	1,987	
Humanities and foreign languages	Total	68,300	1,995	70%
	Girls	7,048	1,391	
Natural and life sciences	Total	125,772	36,260	56.5%
			20,475	
Exact sciences	Total	22,995	7,179	41.12%
	Girls	9,858	2,960	
Management, economics	Total	23,735	7,557	48%
	Girls	1,899	3,757	
Civil engineering	Total	5,177	482	18%
	Girls	1,435	86	
Electrical engineering	Total	7,252	1,077	27%
	Girls	218	291	
Mechanical engineering	Total	5,760	682	11%
	Girls	857	74	
TOTAL	Total	286,502	69,675	55.35%
	Girls	154,467	38,553	

2. Women's participation in teaching and education management

Women have a relatively important place in the teaching profession. The Ministry of National Education is the largest employer in the public service (with 477,214 employees, or 42.48% of the total), and is one of the three sectors, along with health and administration, where there are the greatest numbers of women.

Statistics from the Ministry of National Education, however, show that at the national level female teachers are less numerous than males, even in the first two cycles of elementary education. Thus, of 170,956 teachers, 78,515, or 44.7%, are women.

Women form the majority of teaching body in 11 departments: Blida (60%), Tizi-Ouzou (57%), Algiers (83%), Sidi-Bel-Abès (59%), Annaba (77%), Constantine (63%), Oran (76.45%), Boumerdès (63%), El-Tarf (59.3%), and Aïn-Temouchent (62%).

In the third cycle of elementary education, female teachers represent 47.52% of the total. They are in the majority in 15 departments: the same ones as for the first two cycles, with the addition of Skikda (52%), Guelma (51%), Mascara (51%) and Souk Ahras (51%).

On the other hand, most secondary school teachers are men. Female teachers (40.84%) are however more numerous in six departments in the North: Algiers (70%), Annaba (53%), Constantine (53%), Boumerdès (51%), Souk-Ahras (52%) and Tipaza (55%).

All told, women represent 44.96% of the education system's teaching staff.

The slight difference in the numbers of men and women in the teaching profession is, however, more pronounced in the areas of educational and administrative management and supervision, as the following figures show:

Of 2,019 education inspectors and advisers in the three cycles of basic education, there are only 83 women;

Of the total of 599 educational and career guidance counsellors, 322 (54%) are women; at the top of this category, however, there are only 8 women among the 49 inspectors.

Of the 390 teaching, administrative and management inspectors at the secondary school level, 28 are women.

Of the 13,775 primary school principals, 880 are women.

The basic education schools (schools that take pupils from grades 7 to 9, and with which the primary schools are affiliated) are managed by 3,005 directors, of whom 213 are women.

There are 1,071 lycée headmasters, of whom 93 are women.

It can be said that, while women are relatively well represented in the education establishment as a whole, their numbers are still limited in the smaller towns and rural areas. In addition, the senior positions whether in the instructional, administrative or supervisory areas, are still occupied for the most part by men.

Article 11: Equality in labour and employment

1. Labour legislation

Algerian legislation has made special provision for the protection of women in the workforce, by means of Act 90-11 of 21 April 1990. That Act also provides for wage and salary equality by stipulating that men and women shall receive equal pay for equal levels of qualification and performance. Act 90-11 reaffirms the basic rights of workers (the right to collective bargaining, social security, retirement, hygiene, safety and health in the workplace, rest time, the right to strike, etc.)

It also confirms the right to protection against any discrimination with respect to employment, other than that based on skills and merit (article 6).

Article 17 states: "Any provision within a collective convention or agreement or a labour contract that establishes discrimination of any kind with respect to work, on the basis of age, sex, social or matrimonial situation, family relationships, political conventions, union membership, is null and void". Such discrimination is subject to the penalties provided in articles 142 and 143 of the Act.

The 1990 labour law can be seen to have excluded any kind of dual approach in its definition of the status of working people. In addition, Act 90-11, while maintaining basic rights and safeguards, leaves the actual determination of the labour relationship to collective bargaining. It should be noted, moreover, that part-time work is legally organized.

2. Statistics on the employment of women

Labour market conditions have been deteriorating in recent years, and there has been a noticeable slowing in the pace of new job creation. This is due to the sluggishness of investment and the constant increase in the economically active population.

In a country where women constitute nearly half the population, the current shortfall in employment is reaching alarming proportions. The following presentation and analysis of trends in the employment of women in Algeria addresses these issues.

Year	Total labour force	Female labour force	Females employed	Females working at home	Unemployed females
1987	4,138,000	427,000	365,000		
1991	5,958,000	629,000	365,000	158,000	106,000
1992	6,222,000	661,000	365,000	162,000	134,000
1995	7,500,000	776,000	356,000	170,000	250,000

These statistics show that:

(1) In 1987, women represented 8.8% of all employed persons. If women employed part-time are included, their numbers rise to 427,000, or 10.2%. Women represent 9.22% of the labour force, 8.83% of workers employed, and 5.72% of the unemployed.

(2) Of the total labour force in 1991, women represented only 10.3%. This is a low proportion, in light of the potential. The percentage for 1992 was 8.75%.

(3) Female participation remains low. Despite the rapid growth recorded, the percentage of women in the total labour force was below 10% prior to 1992. It rose rapidly to 16.5% in 1995.

(4) Female unemployment has risen sharply, almost doubling in the three years between 1992 and 1995. This unusual trend has meant an increase in the female unemployment rate, which rose from 20.4% in 1992 to 38.4% in 1995. It has had a heavy impact on the overall unemployment rate and has affected the general trend for the labour force. In this regard, 9.03% of women are unemployed. The hardest hit are women in the 20-24 age bracket, for which the unemployment rate is 44.26% The majority of female job-seekers are students (62.4%) or housewives (22.7%).

3. Specific features of the employment of women

The female labour force is distinguished by the youth, level of education and geographical distribution of its members.

(a) Age distribution

One-third of employed women are under the age of 24, and more than half are under 30. This suggests that many women leave the workforce after the age of 30, for social reasons.

The structure of the employed female population shows that those in the 25-29 year age bracket are the most numerous, followed by those 20-24 years old, and those 30-34 years old, representing, 31.5%, 20.2% and 17.7% respectively,

of the total of employed women. More than half of working women are single (53.7%), 31% are married, and 14% are widowed or divorced.

It is women in the 25-29 years group who have the highest participation rate, at 16.5%. The participation rate drops steeply after 35 years of age, to 4.3% at age 55.

(b) Education level

Distribution by level of education shows that 86% of working women have at least an elementary education, 41% have had secondary schooling, and 22% have had university education.

The proportion of working women who have a secondary or higher level of education is relatively higher than that for men (15.67% as against 25.87%). Consequently, working women are for the most part those who have a high level of education. Education thus has a positive influence on the degree of female participation in the labour force.

(c) Geographic distribution

Women find more vocational opportunities in the cities. The department of Algiers alone accounts for 21.7% of working women (1/5), followed by the departments of Oran and Constantine.

4. Areas of female employment

The distribution of working women by sector of activity shows them to be concentrated above all in the tertiary or services sector. This trend is in fact very pronounced. Nearly one-third (28%) of women are employed as elementary school teachers, 24% are office workers, secretaries or salespersons, 12% have unskilled jobs such as household help, and 6% work at manual labour.

Jobs held by women are for the most part (95%) salaried positions, and are concentrated in the public sector (97%). In 1992, women accounted for 62.29% of non-management personnel, 25.16% of first-line supervisors, and 11.23% of managerial personnel.

Women who work at home represented 2.6% of the total labour force in 1991. Working at home allows a woman to reconcile her family duties with her desire to contribute to household income. It also represents a viable alternative to regular work for those who cannot find a job outside the home, or those who are obliged to remain at home because of disability or other reasons. The kinds of work performed at home (sewing, embroidery, knitting), even when paid, are not declared, and hence are not reflected in the statistics although they have become widespread. The economic nature of work at home becomes clearly apparent only when it is or can be replaced by goods and services that have an economic price (food catering, caring for children or adults, etc.).

5. Critical assessment

The data on female employment yield the following overall picture: low female participation in the labour force, despite a trend that conceals a major potential for employment; lack of specific measures to encourage female employment; a tendency for women to specialize in their training; saturation of the labour market in general, and a decline in female employment in recent years.

6. Attention to disadvantaged groups

(a) Protection for women with disabilities

Action on behalf of women with disabilities involves providing them access to education and training, health care and special equipment, and encouraging their social integration through vocational activities.

This category also benefits from various forms of material and financial assistance (allowances, free or reduced-fare transportation). As persons with disabilities, they are eligible for social insurance, even if they do not pursue an occupation.

(b) The safety net for low-income groups

As part of the country's economic reforms, and in order to alleviate the impact of structural adjustment on the most disadvantaged social groups, a safety net of direct financial support was introduced for low-income families and individuals. Women may apply for benefits under this system either as members of a family, as heads of household, or as persons living alone without income.

The system gives priority to households and to persons living alone, without income and in a disadvantaged social environment.

A female head of a low-income household may enrol in the safety set system, and receives two types of assistance: a flat support allowance if she is aged or disabled or if she remains at home; compensation for socially useful activities performed as part of a community-organized programme by members of low-income families or by individuals living alone without support. The compensation paid amounts to 52.6% of the minimum monthly wage, prorated for the number of days worked. This is a form of national social assistance, and does not give rise to any kind of labour relationship. The proportion of women in the programme is 38.8%.

(c) Assistance to women in difficulty

Unmarried pregnant women may receive hospital care, on an anonymous basis, as of the sixth month of their term. Upon birth of the child, the mother is allowed a period of time to decide whether to keep the child, or to place it with a family or institution.

The first shelters for women in difficulty and their children were established in the country's larger towns in recent years. Besides providing direct assistance, they also serve as a principal means for helping such people to reintegrate themselves into social and economic life.

(d) Infant reception and day-care centres

Infant reception and day-care centres currently provide services for some 50,000 children under 6 months whose parents are working. Until the late 1980s, nurseries and child-care centres could only be set up and operated by the public and quasi-public sectors. In 1992, this activity was opened to private persons and associations. The purpose of this move was to promote expansion of the system, which is still of limited scope today.

In the light of the system's limited capacity, priority for admission, particularly to the public sector facilities, is reserved for the children of working mothers. In fact, 80% of the children in these centres have working mothers.

Article 12: Equality of access to health services

1. Background

The right to health protection is enshrined in the Constitution (article 51).

Access to health services is open to all, without discrimination as to sex. Coverage is virtually universal, and is currently estimated to reach 98% of the population. The following ratios illustrate the progress that has been made in this regard: 1 medical doctor for every 1,262 inhabitants; 1 basic health care unit for every 5,000 inhabitants; 2.03 beds per 1,000 inhabitants; 1.5 maternity and gynaecology beds per 1,000 women of child-bearing age.

In addition, the Algerian Government has greatly expanded basic health facilities and has promoted the training of doctors and paramedics. Today the country has a significant number of medical facilities: 13 university hospital centres, 19 specialized hospitals, 184 general hospitals, 56 clinics, 455 polyclinics (of which 186 have maternity beds), 1,123 health centres and 3,876 treatment rooms. Private practitioners represent 25% of the medical corps.

In terms of differences in access based on gender, a standard-of-living survey conducted by the National Statistics Office in late 1995 shows, in its section on "access to health care", that women are marginally more likely than men to seek medical consultation when they are ill, both in urban and rural areas. As table 1 shows, however, there are slight differences by area of residence.

Table 1. Percentage of ill persons seeking consultation

	MEN	WOMEN	TOTAL
Urban	81.1	85.7	83.1
Rural	72.4	73.5	72.9
Total	76.4	79.1	77.9

The increasing proportion of female professionals in the health sector is one factor encouraging women's access to health care, particularly for matters relating to reproduction. It is estimated that in 1996, 51.1% of health professionals were women. Among medical doctors the proportion of women is 36% for university hospital physicians, 46% for medical specialists, and 48.6% for general practitioners. The proportion of women is highest among dental surgeons (64.4%) and among pharmacists (65.4%).

When it comes to access to family planning, tangible progress has been recorded since such services were introduced as part of basic health care in the late 1960s. This trend has been reinforced in the 1990s, thanks to implementation of the national population policy. Knowledge about contraception is virtually universal (99% of women were familiar with at least one modern method of contraception in 1995), and the practice of contraception is spreading steadily, as table 2 below shows.

Table 2. Prevalence of contraceptive practices (% of married women of childbearing age)

YEAR	1979	1984	1986	1990	1992	1995
Prevalence of contraception (%)	8	25	35.5	40.6	50.6	56.9

The use of modern contraception methods has also become more common, with the rate rising from 43% to 49% between 1992 and 1995.

Finally, contraceptive practices are spreading in rural and urban areas alike, and the disparities between the two are disappearing, as shown in table 3.

Table 3. Trend in contraceptive prevalence by area of residence (% of married women of childbearing age)

	1970	1986	1992	1995
Urban	17.5	38.6	57.5	57.2
Rural	4.0	29.6	44.1	56.6

Family planning finds its legal basis in Act No. 85-05 of 16 February 1989 on the protection and promotion of health, as amended and supplemented. This law defines, in particular, the framework for maternal and child protection, which consists of a set of medical, social and administrative measures aimed primarily at protecting the mother's health by offering the best in medical and social conditions before, during and after pregnancy, and providing better conditions for the health and psychomotor development of the child.

The law recognizes the spacing of births "so as to ensure a harmonious balance and preserve the life and health of mother and child", and specifies the conditions for therapeutic abortion when it is "an indispensable measure for saving the life of the mother or preserving her psychological equilibrium".

The 1990 amendments made it legal for midwives to prescribe family planning methods. Midwives now account for nearly 3/4 of family planning service providers.

2. Measures taken since 1995 to enhance access to family planning

The broadening of access to reproductive health and family planning services is a central pillar of national health and population policy. The programme adopted by the Government Council in March 1997 set a target of 60% for the practice of modern contraception by the end of the decade.

To facilitate access to family planning, contraceptive services and products are provided free of charge through public health facilities. Family planning services and products purchased from the private sector are 100% reimbursable through social security.

The action programme focuses on three areas:

(a) Expanding the network of health facilities offering family planning services, and improving the quality of those services. Currently there are 1,960 units, located throughout the country's departments and health districts, that offer family planning as part of their basic mother-and-child health services. Since 1995, referral centres have been created in 360 maternity clinics in all departments, with a view to reinforcing the link between maternity and contraception, and to making post-partum family planning more systematic.

(b) Improving the quality of services, by offering advanced training in reproductive health and family planning to service providers (doctors and

midwives), upgrading equipment in the health units, diversifying contraceptive methods, such as through the 1997 introduction of injectable contraceptives, and updating intervention protocols to encourage use of IUDs, post-partum contraception, supplying injection products, and improving the information and evaluation system.

With the establishment of the National Committee on Reproductive Health and Family Planning, which includes medical and paramedical practitioners as well as representatives of civil society, a consultation and coordination mechanism is now in place for guiding strategies and actions to improve reproductive health care and to reinforce the concept of family planning. The Committee has in particular been useful in revising the intervention protocols in the area of contraception.

(c) Developing information, education and communication (IEC) activities. To promote greater use of family planning, the years 1996 and 1997 saw intensified IEC efforts targeted at population issues in general, and at family planning in particular. A cooperative programme was instituted among several sectors (communications, national education, religious affairs, youth) and the association movement, aimed at providing information through the mass media and through various means of interpersonal communication (schools, mosques, health units, youth centres etc.).

The National Population Committee oversees the preparation, monitoring and evaluation of these programmes. It was created within the Ministry of Health and Population in 1996 to exercise responsibility for coordinating and promoting population activities, and in particular for monitoring implementation of the recommendations from the International Conference on Population and Development (ICPD).

3. Improving maternal health

An integral component of basic health programmes is to provide care for pregnant women and to improve the conditions of child delivery. The expansion of maternal health care services has broadened the coverage of prenatal monitoring, and increased the incidence of assisted childbirth.

In terms of prenatal care, whereas only 30% of pregnant women were covered in 1980, the figure rose to 57.3% by 1992. A case study carried out in 1997 in 3 different areas (urban, urban fringe and rural) found that only 11% of pregnancies go entirely unattended, but that care is still inadequate for some 34% (1 to 3 consultations).

Despite the progress made, there are still some disparities between the urban and the rural areas. In the major cities, 96% of women receive attention during their pregnancies, compared with 75% in semi-urban and 46% in rural areas. In 1992, one out of three childbirths in the countryside still took place at home.

Maternal mortality remains a matter of concern in public health: hospital statistics show a maternal mortality rate of 67 per thousand in 1996. Efforts to reduce maternal and perinatal morbidity and mortality have been intensified

since 1994, through a national programme aimed at: providing prenatal monitoring and anti-tetanus vaccinations for pregnant women. On this score, the proportion of women vaccinated against tetanus rose from an estimated 21% in 1992 to over 50% in 1996; following up prenatal care with, inter alia, dietary supplements to combat iron-deficiency anaemia, which affected 40% of pregnant women in 1980, and 17% in 1996; increasing the percentage of assisted childbirths; providing systematic care for newborns, and neonatal resuscitation; and ensuring post-natal surveillance and family planning services.

This programme is based primarily on ensuring better communication through the mass media, further training for personnel, and strengthening the performance of health facilities.

Basic health programmes have been organized on a regional basis, as a way of targeting the most disadvantaged areas. Health regions were established in 1995, and equipped with Regional Health Monitoring Centres that have made it possible to provide reproductive health and family planning services adapted to local conditions.

It is important to note that pregnancy monitoring services are provided free of charge: a modest contribution is required to cover hospitalization costs at childbirth.

Finally, other aspects of reproductive health have received increased attention since 1995, including the detection and treatment of STD/AIDS, treatment for infertility, and detection of genital cancers.

4. The STD/AIDS campaign

The worldwide AIDS epidemic has afflicted Algeria since 1985, when the first case was diagnosed. As at 31 March 1997, 309 cases had been detected, of which roughly one-fourth (79) were women. Recorded cases can be classified according to the mode of transmission, as follows:

Drug addiction and/or homosexuality: 105 cases;

Heterosexual relations: 88 cases;

Blood transfusions: 41 cases;

Mother-child transmission: 4 cases;

Undetermined: 60 cases.

The prevalence of sexual transmission is an additional risk factor for women, and even for children, as can be seen in the first cases of mother-child transmission noted in 1996.

Moreover, 70% of AIDS cases are observed among women of childbearing age (20 to 49), as indicated in table 4.

Table 4. Cumulative distribution of AIDS cases by age and sex, 1989 to 31 March 1997

	MEN	WOMEN	TOTAL
0-14 years	8	6	14
15-19 years	1	1	2
20-49 years	192	55	247
50 years and over	21	7	28
Not specified	8	10	18
TOTAL	230	79	309

Since 1988, a series of measures have been taken to fight the spread of this disease:

Creation of a reference laboratory and establishment of a National AIDS Committee;

Compulsory testing of blood and derivatives, and creation of a National Blood Agency;

Establishment of monitoring posts, particularly for high-risk groups;

Creation of regional care units for AIDS victims;

Youth-targeted information and communication activities.

The priorities of the medium-term programme of action (1995-1999) are focused on preventing the sexual transmission of HIV, and on intersectoral mobilization. Pregnant women are among the chief target groups.

Strategies involve, among other measures, the diagnosis and treatment of sexually transmitted diseases, as part of reproductive health and family planning activities; expanded access to condoms; prevention of perinatal transmission, and increasing the safety of blood transfusions. Information and communication activities are, of course, an important aspect of these strategies.

In the case of STDs (sexually transmitted diseases), little is known about their prevalence in the population. While the reporting of STDs is mandatory, this requirement is not always respected. A survey of pharmacists estimated the prevalence rate of STDs among the total population at 5%.

5. Infertility and treatment of genital cancers

Little is known about the problems relating to infertility. In 1995, among the reasons for failure to conceive, 4% of women cited sterility. In any case, reproductive health care now includes efforts to deal with infertility. A medically assisted procreation unit is being established at a university hospital centre in Algiers.

The other dimension that must be included in reproductive health care is the detection of genital cancers. The 1990 "Health" survey showed an increase in cancer cases, predominantly those of the cervix and breast. This trend in fact marks an epidemiological transition in morbidity, with the decline of communicable diseases, and demands greater attention to cancer-related pathologies. A programme for the detection of pre-cancerous and cancerous cervical lesions and breast cancers is currently in place. It involves setting up a detection system within reproductive health and family planning facilities; training and retraining of medical and paramedical personnel; and instituting a health information and information system.

Finally, it has been found that younger generations generally have a more favourable attitude toward family planning. A 1995 survey of 300 young people aged 15 to 25 showed that:

100% of girls and 70% of boys are aware of at least one method of contraception;

85.5% of young people approve of family planning;

94% of young people think it better to have fewer children;

79% of boys and 91% of girls want to practice contraception when they are married.

Article 13: Social services and recreational activities

1. Social security

The current social security system makes no distinction as to sex. Indeed, women receive specific provisions relating to maternity and retirement, in addition to medical insurance and insurance against industrial accidents. Thus, as regards cash benefits, a working woman is eligible for 14 weeks of maternity leave at full pay. She is also eligible for non-cash benefits consisting of full coverage of medical and pharmaceutical expenses and hospital fees for delivery.

Non-working women whose husbands are covered by social insurance are also eligible for benefits in kind, under maternity insurance provisions.

In addition, the voluntary retirement age for women is set at 55 years, and this age can be reduced by one year for each child, to a maximum of three children. Women are, however, permitted to continue to work until the legal retirement age of 60.

The widow of a husband with social insurance receives a surviving spouse's pension, regardless of her age. If his surviving daughter is unmarried and has no income, she also receives a survivor's pension, regardless of her age. These provisions take account of the specific features of Algerian society and ensure an income to women who are not engaged in any paid activity.

In the area of family benefits, employees are entitled to family allowances for their minor children, at rates that have recently been increased. A specific allowance is also provided for families that have only one breadwinner.

2. Access to sports and recreation

The basic legislation governing sports provides for equal access for men and women, and states that "sports are open to all categories of the population, without distinction as to age or sex" (1976 Code of Physical Education and Sports, Act 89/03 of 14 February 1989 on organization and development of the national system of physical culture and sports, revised and amended by Order 95/09 of 25 February 1995).

At both the elementary and secondary school levels, physical education including sports is compulsory, and is taught and graded in the same way as other curricular subjects. At the university level, on the other hand, it is optional and organized by sports clubs.

The number of females participating in school and university sports is estimated at 33,634, or 63% of all females actively engaged in a sport of some kind. There are 1,031 women engaged in sports teaching and administration, or 6.04% of the total of workers in the sports sector.

The major factors limiting the growth of female sporting activities have to do with the shortage of sports facilities, evident in the following figures:

1 multi-purpose sports stadium per 626,000 inhabitants;

1 multi-purpose sports hall per 365,000 inhabitants;

1 specialized sports hall per 85,000 inhabitants.

Article 14: Rural women

1. General situation of rural women

According to data on economic activity for the first quarter of 1996, reported by the National Statistics Office, women make up 11.9% of the total labour force, and 7.5% of the rural workforce.

An analysis of employment trends by sector shows that women are mainly employed outside the production sector of the economy. It also reveals a downward trend in female workers in nearly all branches of economic activity, particularly in agriculture (2.22%).

The proportion of rural women in paid employment in no way reflects their real participation in development. The work that women contribute to farming activity is not regarded as employment, and is not captured by the statistics, just as informal employment and work at home is widespread but often goes undeclared.

Although rural women work hard, they are to some extent overlooked when it comes to measuring development effort, since their work is regarded as an extension of their domestic chores.

In rural areas, women take part in the work of medium- and small-scale operations. They engage in artisan and handicraft activities for which they rarely benefit from the proceeds of sale, nor do they have much role in management or in marketing the products of their labour. Their contribution to agricultural work, however, does provide a means of supplementing the family budget.

Surveys, meetings and discussions with rural women show that they face the same general problems affecting agriculture as do male farmers: land ownership, especially when it comes to communal farms; high costs of inputs and means of production; inadequate departmental extension and training services.

Women also face a number of specific problems, such as: a working day that may run to 12 hours, divided between domestic chores and outside activities; the distance they must travel to their work; lack of employee status for workers on family farms; illiteracy, which leaves them ignorant of their rights. The illiteracy rate is very high among women over 40 years of age, while women under 30 often have a significant level of education (baccalaureate and diploma (brevet)).

A great many women in rural areas are confronted with such problems, and it will take a long-term effort to overcome them. This effort must begin with recognition of the value of the farm work that women do, and their place in the economy of the country, so that a proper socio-economic assessment can be drawn up as a basis for formulating programmes. Research is needed to design a programme for integrating rural women, and studies have already been conducted in areas where there is a high concentration of female workers. There is also a need to reorient extension services so that they can respond effectively to the needs of rural women for technical know-how and other requirements.

2. The role of rural women in agricultural development

Rural women account for more than 49% of Algeria's female population. They are engaged in various agricultural activities, in particular:

- small livestock operations (poultry, turkeys, rabbits, bee-keeping);
- dairy production;
- vegetable gardening;
- harvesting and processing of fruits and vegetables;

- harvesting, storing and pressing of olives for oil;

- horticulture;

- handicrafts (carpet and blanket weaving, basket making, pottery, etc.).

Women are important economic agents: they contribute to family food security, while earning supplementary income from their activities for the family's well-being.

In addition to farming and livestock raising and their contribution to beef and dairy production, women also set up and run small agricultural enterprises.

They are engaged in the fisheries sector as well. Some have fishing boats, and have expanded their activity to include processing and marketing of fish and seafood by setting up small-scale canning operations.

3. Enhancing the role of rural women

The Ministry of Agriculture and Fisheries has undertaken a short-term programme of support and technical assistance for women to help them increase the output of their operations. This programme is focused on:

(a) Adding female staff to the national farm extension system to identify the needs and aspirations of female farm workers and the activities in which they generate incomes, to design and implement specific programmes for rural women, and to assess activities undertaken;

(b) Setting up a unit for the advancement of women, run by female extension workers at the rural community level;

(c) Developing an intersectoral strategy for responding comprehensively to the needs expressed by rural women.

4. Projects under way

As part of the activities described above, a number of projects have recently been launched or are still under way:

(a) Project for "integrating women into rural development", a two-year, US$50,000 undertaking supported by the Arab Organization for Agricultural Development (AOAD). The immediate goal is to develop a team of female agriculture experts specialized in extension work with rural women in the farming sector.

This team will prepare and evaluate extension programmes, starting with pilot projects in the departments of Tipaza and Tizi-Ouzou. Extension training courses have begun for 24 women (engineers, technicians and technical supervisors).

(b) Project for "integrating rural women in development" (Department of Jijel). This project is part of the technical cooperation programme with FAO. It was approved by the Algerian Government in July 1993, and has financing of US$250,000. The UNDP has been entrusted with its management.

The Department of Jijel has been designated as the project's pilot site, in recognition of its sizeable rural population, of whom more than 50% are women.

This project is designed to foster a female cooperative movement that will promote rural development and highlight the role of rural women in social and economic progress. In its first stage, the project has already seen the creation of a unit for "rural women" within the Jijel Chamber of Agriculture (January 1997).

This project is viewed as highly significant, because it will provide a frame of reference at the national level for implementing a programme for the advancement of rural women.

(c) Project on "rural employment", as part of a US$89 million loan agreement with the World Bank that calls for the creation of 39,000 new permanent jobs.

Article 15: Equality in legal and civil matters

The principle of equality before the law is enshrined in the Constitution (article 29).

As noted above, Algerian women are endowed with full legal capacity, and they exercise that capacity freely, in accordance with Article 40 of the Civil Code, which states that "all persons in possession of their mental faculties, and who have not been declared incapable of managing their own affairs, are fully capable of exercising their civil rights".

Women thus possess the same rights as men with respect to making contracts, including business contracts. They also have full power to acquire, administer, use and dispose of property.

The Algerian Constitution also protects the freedom of movement and the right to choose one's place or residence and domicile. Article 44 provides that all citizens in possession of their civil and political rights have the right to choose freely their place of residence, and to move freely about the national territory. It also guarantees the right to enter and to leave the country. This article is general in its scope, and applies equally to men and to women, without distinction.

Article 16: Equality of rights within the family

1. Marriage

The consent of both partners is one of the fundamental conditions for entering into marriage (Articles 9 and 10 of the Family Code).

Article 9 of the Family Code states: "marriage is contracted by consent of the future partners, in the presence of the legal guardian and two witnesses for purposes of authorizing marriage, and by payment of dowry".

Article 10 of the Code provides, inter alia, that "consent flows from the request of one of the two parties and the acceptance of the other party".

Persons with disabilities may also express a valid request for and consent to marriage, by any written communication or gesture.

The provisions of the Convention relating to the minimum age of marriage and the mandatory registration of marriages find their reflection in Articles 7, 18 and 21 of the Family Code, and Article 73 of the Civil Status Code.

Article 7 of the Family Code provides that "the capacity to contract marriage is deemed valid at 21 years of age for the man and 18 years for the women".

Article 18 states that the provisions of the Civil Status Code are applicable to the registration of marriages.

Article 73 of the Civil Status Code provides that when marriage is concluded before a registration officer, that officer enters the act in his records then and there, and delivers to the spouses a family record book (livret de famille). When marriage is concluded before a notary, the notary records the act and remits a certificate to the interested parties. An extract of the act is sent within three days to the registrar, who records it in the civil status registry.

2. Dissolution of marriage

With respect to rights and responsibilities during marriage and in the event of its dissolution, Article 48 of the Family Code states that "divorce occurs at the will of the husband, by mutual consent, or on the petition of the wife". Divorce may only be declared by a court, following an attempt at reconciliation by the judge (Article 49 of the Family Code).

If the judge finds that the husband's petition for divorce is unreasonable, he will award damages and interest to the wife in reparation for prejudice suffered by the fact of the divorce (Article 52 of the Family Code).

According to Article 53 of the Family Code, the wife is entitled to petition for divorce on the following grounds:

(a) Failure to provide for the wife's maintenance, unless she was aware of her husband's indigence at the time of marriage, subject to the provisions of Articles 78, 79 and 80 of this law;

(b) Infirmity preventing consummation of the marriage;

(c) The husband's refusal to share the wife's bed for a period of four months;

(d) Sentencing of the husband to a penalty involving loss of civil rights and liberty for a period of more than one year which brings dishonour upon the family and renders it impossible for man and wife to live together and resume their conjugal life;

(e) Absence for more than one year without valid excuse or provision for maintenance;

(f) Any damage recognized as such by law, in particular violation of the provisions of Articles 8 and 37;

(g) A verified serious moral failing.

In addition to the reasons set forth in that Article as grounds for the wife to petition for divorce, the law authorizes her to separate from her partner without having to give a reason for her action, and thereby to terminate the conjugal bond between her and her husband.

Article 54 of the Family Code offers this possibility to a married woman, and provides that "the wife may separate from her husband by paying an agreed amount of reparation ("khol'a"). In the case of disagreement, the judge shall order payment of a sum, the amount of which shall not exceed the value of the dowry at the time of the judgement". This provision thus permits a wife to separate from her husband by paying to him a sum in reparation of the prejudice he suffers by the fact of the separation.

3. Free choice of a spouse and family planning

There is no law in Algeria that forbids a woman from limiting the number of her children, or from deciding to space their births.

Aware, however, that an educated woman is a responsible woman, the public authorities have always promoted a policy of education for women and have undertaken awareness campaigns for the spacing of births.

The right to family planning information and services is enshrined in legislation, without discrimination as to sex. There are no legal or regulatory limitations on access to such services.

There are still, however, constraints of a social or cultural nature that limit resort to family planning. Traditional norms relating to family size have until recently had a major influence on the structure of the Algerian family.

Strategies for information, education and communication have been in place since 1997, and are aimed specifically at men. Awareness campaigns are conducted regularly in the mosques, at work and through the media.

Attitudes toward procreation are becoming more egalitarian. In terms of producing an heir, the desire for a boy is now less compelling, as the figures below reveal. These changes have come about partly because of the mass access of women to education and their entry into the labour market.

The proportion of people who disapprove of family planning is estimated at 9.7% in 1995 (compared to 23% in 1986). One of the most important reasons for not using contraception is opposition on the part of the husband. The following table shows the trend of explanations for not using contraception, ranked by importance.

	1970	1986	1992	1995
Desire for children	-	1	1	1
Health problems	-	-	-	2
Fear of secondary effects	2	-	3	3
Husband opposed	-	4	2	5
Religious prohibition	1	6	4	6
Lack of information	-	5	5	-
Sterility	-	3	-	4

Women's preferences as to sex of child (%)

	1968	1992
Boy	65.5	32.6
Girl	16	23.6
No preference	18.5	43.5

Articles 314 to 320 of the Criminal Code prohibit the exposure and neglect of children. Article 330 defines abandonment of family and children as those cases where the father or mother "abandons the family home without serious cause for more than two months, or fails to perform all or a portion of his or her moral or material duties resulting from parental authority or legal guardianship". The time limit of two months may be interrupted only by a return to the home that implies the willingness to take up family life again definitively; or the husband, "without serious cause, willingly abandons his wife for more than two months, knowing her to be pregnant".

The Family Code also allows the woman, after the death of her husband, to exercise guardianship over her children. This is an important step forward, in light of the conservative insistence of tradition and social custom that guardianship is the prerogative of the male line (article 87 of the Family Code).

Equality of the personal rights of the two spouses is respected by the law, and this extends to the choice of family name, profession or occupation. There is no provision that restricts the exercise of these rights by women. The same

is true for the property rights of the spouses, with reference to which article 38 of the Family Code provides that "the wife has the right to full freedom in the disposition of her property".

The Commercial Code establishes no discrimination between male and female merchants.

These two codes provide that the woman enjoys full use of her property, and that she may dispose of it freely without the consent of her husband.